



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1420
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,985	06/19/2005	Maarten P. Bodlaender	NL021483	2628
24737 7590 07/12/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER PATEL, KAUSHIKKUMAR M	
			ART UNIT 2188	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/539,985		BODLAENDER, MAARTEN P.	
	Examiner		Art Unit	
	Kaushikkumar Patel		2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/19/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on June 19, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The sections of specification is not separated by titles of the sections, which are followed by the description of the subject matter, such as "FIELD OF THE INVENTION" followed by the relevant description and then new title, such as "BACKGROUND OF THE INVENTION" etc.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-~~19~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwols (US 6,839,721) and further in view of Thomas et al. (US 6,529,992).

As per claims 1, 10 and 19 Schwols teaches a method/system for archiving data in a computer to a high-density optical backup disc (Schwols, fig. 1, item 124, col. 2, lines 26-44), comprising:

reading an executable command (col. 5, line 60);

determining data to store to the backup disc responsive to the command (col. 3, lines 35-45; col. 4, lines 8-17; col. 9, lines 24-45);

transferring the data to the backup disc (col. 9, lines 5-10; col. 19, lines 52-55);

identifying the data transferred to the backup disc (col. 3, lines 37-45; col. 9, lines 24-45).

Schwols teaches backing up data to optical disk but fails to teach reading executable command from backup disc as required by the claims. Thomas teaches a method for automatically executing application upon insertion of removable media (e.g. CD-R, DVD-RAM etc.) (Thomas, abstract, col. 4, lines 53-56, col. 8, lines 18-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize method of automatic execution of application, when removable media is inserted into the computer as taught by Thomas in the system of Schwols to provide automatic backup without user intervention and much knowledge of the application (Thomas, col. 5, line 65 – col. 6, line 5).

As to requirement of claim 10, Thomas teaches readable medium (Thomas, claim 1).

As per claims 2 and 11, Thomas teaches reading disc after insertion of the disc into compatible disc drive (Thomas, col. 6, lines 1-5).

As per claims 3 and 12, Thomas teaches the backup disc is selected from the CD-R and DVD-RAM (Thomas, col. 4, line 55), but fails to teach selecting backup disc from group of DVD-R, DVD-RW and recordable blue-laser DVD, but use of such media as data storage and backup is known in the art and therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to select backup disc from group of DVD-R, DVD-RW and recordable blue-laser DVD because DVD provides larger storage capacity than CD-R and DVD-RAM discs.

As per claims 4 and 13, Schwols teaches determining data to store to the back-up disc comprises selecting data for storing that has not been identified as transferred (Schwols, col. 15, line 58 – col. 16, line 16).

As per claims 5, 6, 14 and 15, Schwols and Thomas fail to teach backing up only media files or video files as required by the claims but Schwols teaches user can select files that needs to backed up (Schwols, col. 4, lines 5-7, col. 14, lines 60-65). Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention to backup media files (claims 4 and 14) and/or video files (claims 5 and 15) according to importance of files.

As per claims 7 and 16, Schwols teaches back up of data files to removable optical storage device (Schwols, abstract), which inherently teaches transferring data to back disc includes writing data to the disc.

As per claims 8, 9, 17 and 18, Schwols teaches prompting user to insert another disc if disc is full (Schwols, col. 16, lines 8-11) and Thomas teaches ejecting the disc (Thomas, col. 9, lines 31-34). Although, Schwols and Thomas combined failed to teach ejecting disc when it is filled as required by the claims. However the combined teaching of Schwols and Thomas teaches automatic execution of (backup) application without user interference and hence when the disc becomes full, the user is unaware of the amount of space in the back disc and thus it would have been obvious to one having ordinary skill in the art at the time of the invention to eject disc when it becomes full to notify the user to insert new disc (Schwols, col. 16, lines 9-10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robinson (US 2003/0050940) teaches automatic backup of data when external storage device is connected to computer.

Liu et al. (US 2004/0054846) teaches auto back to removable storage device.

Evers et al. (US 6,542,975) teaches backup to optical storage devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaushikkumar Patel whose telephone number is 571-272-5536. The examiner can normally be reached on 8.00 am - 4.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2188

Kaushikkumar Patel
Examiner
Art Unit 2188



Kmp

July 5, 2007


HYUNG SOO
SUPERVISORY PATENT EXAMINER

7/06/07